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## THE WASHINGTON CONFERENCE

BY QUINCY WRIGHT\*

## 1. OBJECTS OF THE CONFERENCE.

THE objects of the international conference which sat in Washington from November 12, 1921, to February 6, 1922, were set forth in President Harding's formal invitation to Great Britain, France, Italy and Japan of August 11, 1921:<sup>1</sup>

"Productive labor is staggering under an economic burden too heavy to be borne unless the present vast public expenditures are greatly reduced. It is idle to look for stability, or the assurance of social justice, or the security of peace, while wasteful and unproductive outlays deprive effort of its just reward and defeat the reasonable expectation of progress. The enormous disbursements in the rivalries of armaments manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity; and avoidable or extravagant expense of this nature is not only without economic justification but is a constant menace to the peace of the world rather than an assurance of its preservation. Yet there would seem to be no ground to expect the halting of these increasing outlays unless the powers most largely concerned find a satisfactory basis for an agreement to effect their limitation. The time is believed to be opportune for these powers to approach this subject directly and in conference; and while, in the discussion of limitation of armament, the question of naval armament may naturally have first place, it has been thought best not to exclude questions pertaining to other armament to the end that all practicable measures of relief may have appropriate consideration. It may also be found advisable to formulate proposals by which in the interest of humanity the use of new agencies of warfare may be suitably controlled.

"It is, however, quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove causes of misunderstanding and to seek ground for agreement as

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<sup>1</sup>On July 10, 1921, the Department of State announced that these powers had been "approached with informal but definite inquiries" on the subject.

to principles and their application. It is the earnest wish of this Government that through an interchange of views with the facilities afforded by a conference, it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time, that is, such common understanding with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples.

"It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions, to be exchanged before the meeting of the conference, in the expectation that the spirit of friendship and cordial appreciation of the importance of the elimination of sources of controversy, will govern the final decision."

After acceptance of this invitation by the five powers and of an invitation including merely the last two paragraphs by China, (subsequently by Belgium, Netherlands and Portugal also<sup>3</sup>) these objects were rendered more concrete by publication of the following agenda on September 21, 1921:<sup>4</sup>

*Limitation of Armament*

- One. Limitation of naval armament, under which shall be discussed
  - (a) Basis of limitation.
  - (b) Extent.
  - (c) Fulfillment.
- Two. Rules for control of new agencies of warfare.
- Three. Limitation of land armament.

*Pacific and Far Eastern Questions*

- One. Questions relating to China.
  - First: Principles to be applied.
  - Second: Application.
  - Subjects: (a) Territorial integrity.
  - (b) Administrative integrity.
  - (c) Open door,—equality of commercial and industrial opportunity.

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<sup>3</sup>Invitations to these three powers were extended on October 4, 1921.

<sup>4</sup>In a note of July 26, 1921, prior to her formal invitation to the conference, Japan had suggested that introduction on the agenda of "problems such as are of sole concern to certain particular powers or such matters that may be regarded as accomplished facts should be scrupulously avoided." In a note formally accepting the American invitation on August 24, Japan hoped that the conference would be "arranged in harmony with the suggestion made in the memorandum of the Japanese Ministry of Foreign Affairs of July 26, 1921." The Chino-Japanese controversy over Shantung, the twenty-one demands treaty of 1915, and the American Japanese controversy over Yap and the mandates seemed to fall under these heads, so were not brought before the conference, though they were in fact settled by special negotiations conducted in Washington at the same time, with exception of the second.

- (d) Concessions, monopolies or preferential economic privileges.
  - (e) Development of railways, including plans relating to Chinese Eastern Railway.
  - (f) Preferential railroad rates.
  - (g) Status of existing commitments.
- Two. Siberia. (similar headings.)
- Three. Mandated Islands. (unless questions earlier settled.)
- Electrical Communications in the Pacific.

Under the heading of "Status of existing commitments" it is expected that opportunity will be afforded to consider and to reach an understanding with respect to unsettled questions involving the nature and scope of commitments under which claims of rights may hereafter be asserted.

In addition however to the two major problems here indicated, another was in the back of every one's mind, suggested by the platform on which President Harding had been elected.

"The Republican party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice, and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war."

This object came to the surface after the conference had begun through President Harding's announcement to a group of newspaper men on November 25 that the administration would "set on foot a movement to bring out of the armament conference a system of similar but broader annual conferences to deal with the troubles of the world."

Thus the objects of the conference extended to three distinct topics, *Limitation of Armament, Pacific and Far Eastern Questions, Association of Nations.*

## 2. ORGANIZATION OF THE CONFERENCE.

The conference consisted of plenary sessions and committees. The plenary sessions were formal occasions attended by all the delegates, in which announcement was made of programs for discussion or agreements reached. They were not intended for negotiation but for declaration. They were held in Continental

Memorial Hall, a handsome marble building on 17th street erected by the Daughters of the American Revolution and were open to members of the Senate and House of Representatives, representatives of the press and such of the public as had cards of admission from the State department.

The delegates sat at a "U" shaped green covered table with Mr. Hughes as chairman at the head of the "U". The remaining American delegates sat at his right, the British at his left and then in regular alternation the French, Italian and Japanese delegations. Thus an alphabetic order was followed as is customary in such gatherings. The powers attending merely the Far Eastern but not the Limitation of Armament Conference sat at the ends of the "U" in a similar order, Belgium, China, Netherlands, Portugal. In the center of the "U" sat the secretary of the conference and the efficient interpreter, M. Camerlynck, ready to repeat instantly every English speech in French and vice versa, for both these languages were official in the conference. Back of the delegates sat their technical experts. Since the auditorium seated only about 1200 persons, subtraction of the space occupied by delegates, experts, senators, representatives and the press left a remainder of forty seats to rotate among those of the public who would like to attend.

The real work of negotiation was conducted by committees. There was a committee of the whole on armaments with five powers represented and a committee of the whole on the Far East and Pacific with nine powers represented. These appointed many subcommittees, some of delegates, some of experts, and some mixed. Committee or subcommittee meetings went on almost continuously in the Pan-American building next door to Continental Memorial Hall and closely guarded by marines with fixed bayonets.

The delegations were assisted by technical experts, of which Japan had the most. The American delegation was also assisted by an "advisory committee" selected by the president so as to represent prominent organizations of the country, and designed to form a liaison between the conference and the public.

Publicity was handled in the manner customary with international conferences. Plenary sessions were public, committee and subcommittee meetings were private. The public gained only such information of the latter as was given out in communiqués prepared for the press by the committee itself or in press interviews

by plenipotentiary delegates. The latter method gave ground for occasional protest by certain delegations who felt that confidential discussions had been prematurely published. News of committee happenings sometimes came to Washington via London, Paris or Tokyo where it had leaked out through the foreign offices of those countries. Finally the fertile imaginations of newspaper correspondents was a source for filling news columns if not always for distributing accurate information. Stories of violent disagreement in committee meetings, one of which occasioned an anti-French riot in an Italian town, had to be officially denied by the plenipotentiaries, reputed to have participated. Although this type of rumor was something of an embarrassment, on the whole the progress of the conference endorsed the experience gained at Versailles and in the League of Nations, that negotiations can be most satisfactorily conducted withdrawn from the glare of public opinion but that agreements should be published as soon as reached.

It seems probable that the United States Senate will discuss the Washington treaties in open session as they did the treaty of Versailles. To facilitate this discussion the president in submitting the treaties to the Senate on February 10, 1922, accompanied them with complete minutes of both plenary session and committee meetings and a copy of the official report of the American delegation.

### 3. NEGOTIATIONS.

"Our hundred millions frankly want less of armament and none of war." Thus President Harding struck the keynote of the conference at its opening meeting, and in spite of much haggling for national advantage in committee meetings, the pitch was not wholly lost through the seven plenary sessions which marked the progress of negotiations.

On the opening session, November 12, 1921, after President Harding's address of welcome, Secretary of State Hughes was elected chairman and surprised the conference and the world by laying down a concrete program for the limitation of naval armaments. On November 14 a session was held in which Mr. Balfour for Great Britain, Premier Briand for France, Admiral Baron Kato for Japan and Senator Schanzer for Italy accepted the American proposal "in principle."

Committee negotiations upon the details of this proposal began at once as also upon the Far Eastern problems, but before any conclusions had been reached another plenary session was held, on November 21, to afford Premier Briand the opportunity to say that France was unwilling to discuss an agreement for the limitation of land armament until Germany was "morally" as well as "physically" disarmed. He cited passages from General Ludendorff's recent book to prove that this happy state had not been reached. Delegates of the other powers diplomatically voiced their disappointment, Senator Schanzer of Italy expressing the hope, doomed to disappointment, that the land armament item on the agenda would not be abandoned.

After three sessionless weeks filled with committee negotiations over the Japanese demand for a 10, 10, 7 naval ratio instead of the 5, 5, 3 ratio proposed in the American plan, the conference again sat in plenary session on December 10. Previous to the meeting, information had reached America from foreign capitals that a Pacific alliance was being negotiated and at this meeting Senator Lodge of the American delegation presented the four-power Pacific Pact, which he noted covered islands "so diverse that we might describe them in the words of Browning as the

'Sprinkled isles,

Lily on lily that o'erlace the sea—'

islands ranging in size from "Australia, continental in magnitude to atolls where there are no dwellers but the builders of coral reefs," islands upon which "still shines the glamour of some of the stories of Melville and the writings of Robert Louis Stevenson." Unfortunately he neglected to refer to the home islands of Japan which the committee had agreed were included, thus misleading President Harding who offered a contrary interpretation in a press statement of December 20. This was, however, withdrawn six hours later with the comment that the president had "no objections to the construction" which the delegates had agreed upon. It appears that the inclusion of the Japanese Home Islands had been originally insisted upon by Great Britain as a sop to the pride of Australia and New Zealand which were also included. The attitude of the United States Senate, however, seemed to jeopardize the whole agreement and as Japan was not averse, a subsequent resolution expressly excluded her home islands.

The next plenary session was held on February 1, the seven weeks' interim being filled with difficult committee negotiations. The United States, Great Britain and Japan announced substantial agreement upon the American naval limitation program on December 15, the most important modification being the concession to Japan, whereby she was to retain the "Mutsu," which was to have been scrapped. This was a new vessel built by popular subscription and of sentimental importance. Great Britain and the United States were in consequence to complete two new Post-Jutland battleships. More older vessels were to be scrapped thus leaving the total tonnage and the ratios substantially as in the original proposal. More formidable difficulties in the naval treaty were presented by the French demand for the privilege of building ten Post-Jutland battleships of 35,000 tons each, only withdrawn after Mr. Hughes had cabled Premier Briand, who had returned to France, that insistence upon this demand would wreck the treaty. France, however, accepted the 1.75 ratio for capital ships, with the understanding that she be allowed a larger ratio of "defensive ships" in which category she included submarines. In spite of the British demand for total abolition of submarines,<sup>4</sup> and the American desire to limit their number to 60,000 tons for United States and Great Britain with tonnage on the adopted capital ship ratios for the others, France was obdurate. With the failure of submarine limitation, efforts to limit the total tonnage of surface auxiliaries, which certain powers thought necessary to combat them, also failed and the conference had to be content with the Root resolution declaring submarine use against merchantmen piracy and limiting the size of naval fighting auxiliaries except air craft carriers to 10,000 tons. Vessels of larger tonnage were to be regarded as capital ships. Perhaps the warmest debates of the conference occurred on the submarine issue, since Great Britain regarded the French demand as a menace to her safety.

Discussion of the Chinese problem, was begun by the presentation on November 16 of ten points by Mr. Sze. These were abandoned and four general principles formulated by Mr. Root and restating the Hay Open Door notes of 1899 and 1900 were

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<sup>4</sup>This demand was in accordance with British traditions. Earl St. Vincent of the British Admiralty said to Robert Fulton, when the latter presented plans for a submarine in 1804: "It is a mode of war which we who command the seas do not want, and which if successful would deprive us of it." (Bywater, *Atlantic Monthly*, Feb. 1922, 129: 267).



adopted. Detailed application of these principles proved difficult and several Chinese technical experts resigned in disgust. In fact all progress threatened at times to be held up by the failure of China and Japan to agree in their special conversations on Shantung begun at Washington on December 1 through the good offices of Mr. Hughes and Mr. Balfour.

These negotiations finally succeeded, and in the plenary session of February 1, the Shantung treaty was published together with the five power naval limitation treaty, the five power treaty restricting the use of submarines and poison gases, and a number of resolutions on the Far East which had been previously adopted in committee.

A session of February 4 published two nine power treaties on China, one attempting to assure the territorial and administrative integrity of China and the open door, the other providing for Chinese customs administration. At the final meeting February 6, the five treaties were formally signed and President Harding made a concluding address.

Thus the work of the conference is embodied in five treaties explained and amplified by fourteen resolutions and ten unilateral declarations. The treaties with the resolutions directly pertinent thereto, were presented to the United States Senate by President Harding in person on February 10, with the comment:

"All the treaties submitted for your approval have such important relationship, one to another, that, though not interdependent, they are the covenants of harmony, of assurance, of conviction, of conscience, and of unanimity. . . . I submit to the Senate that if we can not join in making effective these covenants for peace, we shall discredit the influence of the republic, render future efforts futile or unlikely, and write discouragement where today the world is ready to acclaim new hope."

In addition to the work of the conference, three treaties, relating to Shantung, Yap and Pacific cables have been negotiated at Washington concurrently with the conference.

These various treaties, resolutions and declarations embody achievements, more or less complete in the three fields which the conference had before it. We may therefore consider in succession its results as to Limitation of Armament, Far Eastern and Pacific Questions, and an Association of Nations.

#### 4. LIMITATION OF ARMAMENT.

Efforts to limit armament by international agreement did not

begin in recent years.<sup>5</sup> A treaty to this effect is said to have been made in the Chinese Age of Confusion (6th Century B. C.). In 1766 Prince Kaunitz, the Austrian Chancellor, suggested an army limitation agreement to Frederick the Great and in 1787 France and England actually signed a treaty reducing navies. Army limitation agreements were proposed by Alexander I of Russia (1816), Louis Phillippe of France (1831), the Italian General Garibaldi (1860), Richard Cobden of the British House of Commons (1861), and Napoleon III of France on several occasions (1863, 1867, 1870). More important, however, was the proposal of Czar Nicholas II. The Mouravieff circular of August 12, 1898, calling the First Hague Conference, issued under his authority, suggests President Harding's invitation of August 11, 1921:

"The ever-increasing financial charges strike and paralyze public prosperity at its source; the intellectual and physical strength of the nations, their labor and capital, are for the most part diverted from their natural application and unproductively consumed; hundreds of millions are spent in acquiring terrible engines of destruction, which though today regarded as the last word of science are destined to-morrow to lose all value in consequence of some fresh discovery in the same field. National culture, economic progress, and the production of wealth are either paralyzed or perverted in their development.

"Moreover, in proportion as the armaments of each power increase, so do they less and less attain the object aimed at by the governments. Economic crises, due in great part to the system of amassing armaments to the point of exhaustion, and the continual danger which lies in this accumulation of war material, are transforming the armed peace of our days into a crushing burden which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of affairs be prolonged, it will inevitably lead to the very cataclysm which it is desired to avert, and the impending horrors of which are fearful to every human thought.

"In checking these increasing armaments and in seeking the means of averting the calamities which threaten the entire world lies the supreme duty today resting upon all States.

"Imbued with this idea, his majesty has been pleased to command me to propose to all the governments which have accred-

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<sup>5</sup>For a history of efforts to limit armaments see Wehberg, *Limitation of Armaments*, Washington, 1921, pp. 5-6, translated from French edition, 1914; the same authors more exhaustive, *Die Internationale Beschränkung der Rüstungen*, Stuttgart und Berlin, 1919, pp. 3-9; Fried, *Handbuch der Friedensbewegung*, Berlin and Leipzig, 1913, 2:3-56; and Wright, *Limitation of Armament*, Institute of International Education, Syllabus No. XII, November, 1921.

ited representatives at the imperial court the holding of a conference to consider this grave problem."

The First Hague Conference which met in response to this call in the summer of 1899 failed to limit armaments as did its successor in 1907. Germany was the stumbling block, as she was in the numerous overtures for a naval holiday made by England from 1910 to the outbreak of the world war. This obstacle was, however, removed by the treaties of Versailles, St. Germain, Trianon, Neuilly, and Sevres which provided for the effective disarmament of the Central Powers, "in order to render possible the institution of a general limitation of the armaments of all nations." The members of the League of Nations had, in the covenant, recognized "that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations." In the two assemblies of the League the armament question had received thorough consideration with the conclusion that effective action toward limitation would be impossible without cooperation of the United States who was taking the lead in naval building.

The United States Congress, however, by the Hensley amendment to the large naval appropriation act of 1916 had declared that "it looks with apprehension and disfavor upon a general increase of armament throughout the world, but it realizes that no single nation can disarm, and that without a common agreement upon the subject every considerable power must maintain a relative standing in military strength." Consequently it had authorized the president to call a conference "not later than the close of the war in Europe" to "formulate a plan for a court of arbitration or other tribunal" and to "consider the question of disarmament," and to suspend the naval program provided in the act, in case the results of such conference should "render unnecessary the maintenance of competitive armaments."

Thus the time was ripe for agreement on the subject. In his speech of July 22, 1920, accepting the republican nomination for president, Mr. Harding said he could "hear in the call of conscience an insistent voice for the largely reduced armaments through the world" and a resolution introduced in the Senate by Mr. Borah was passed as an amendment to the Naval Appropriation act of July 12, 1921. This amendment

"Authorized and requested" the president "to invite the Gov-

ernments of Great Britain and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval expenditures and building programs of each of said governments, to wit the United States, Great Britain and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which understanding or agreement is to be reported to the respective governments for approval."

Two days before passage of this amendment, however, President Harding announced that he had already approached the powers informally with reference to a conference of broader scope and more extended membership. These informal approaches lead to the formal invitations of August 11.

The Washington treaties on naval armament limitation are based on four general principles laid down in Mr. Hughes's original proposal:

"(a) The elimination of all capital ship building programs, either actual or projected.

(b) Further reduction through scrapping of certain of the older ships.

(c) That regard should be had to the existing naval strength of the conferring powers.

(d) The use of capital ship tonnage as the measurement of strength of navies and a proportionate allowance of auxiliary combatant craft prescribed."

In detail they provide for a discontinuance of all capital ship building for ten years, certain replacement being allowed France and Italy after 1927. Capital ships include every "vessel of war, not an air craft carrier, whose displacement exceeds 10,000 tons standard displacement or which carries a gun with a calibre exceeding 8 inches."

Existing capital ships are to be scrapped so as to leave the United States 18 (525,850 tons), Great Britain 20 (558,980 tons), Japan 10, (301,320 tons), France 10, (221,170 tons), Italy 10, (182,800 tons). After 1931 ships over 20 years old may be replaced so as to maintain ratios of 525, 525, 315, 175, 175 among the five powers, no vessel being over 35,000 tons. The treaty is to be effective for fifteen years and to continue after that unless denounced with two years' notice. It may be suspended in time of war with exception of the articles relating to scrapped vessels.

Aircraft carriers are limited with regard both to total tonnage and individual tonnage, but air craft themselves are not

limited. Submarines and fighting surface auxiliaries may not exceed 10,000 tons displacement or carry guns of over 8 inches, but there is no limitation in their total tonnage. Merchant vessels may not be prepared for military use in time of peace except to stiffen decks for guns, of not over six inches.

No limitation is placed on land forces or armament. The status quo "with regard to fortifications and naval bases" is to be maintained in the American, British and Japanese insular possessions in the Pacific except Hawaii, Australia, New Zealand, the Japanese home islands, and the islands near the American continent exclusive of the Aleutians.

Rules were adopted declaring the use of submarines against merchant vessels to be piracy and prohibiting the use of noxious and poisonous gases, and a resolution urged the calling of a conference to consider laws of war.

These armament limitation provisions go an enormous step beyond all previous treaties on the subject. They should result in a genuine saving of money through the discontinuance of capital ship programs. "This treaty" said Mr. Hughes in the plenary session of February 1, "ends, absolutely ends, the race in competitive armament." Without minimizing the achievements of the conference it is well to recall that the problems of land armaments, submarines, naval vessels under 10,000 tons and air craft remain. Competition in these types of armament is still possible without violation of the treaty. The importance of this is emphasized through the opinion of many professional naval men that, even in the absence of international agreement, future navies would have been composed of smaller vessels, because of the increasing difficulty of properly defending super-dreadnaughts from submarines and aircraft.

While the illegitimate use of submarines and the use of poison gases were prohibited it is well to recall that the same prohibitions were recognized under customary international law and the Hague Conventions on August 2, 1914. Too much should not be expected of rules of warfare. Unless framed so that their observance serves the *military aims* of belligerents better than their violation, they will be of remedial rather than preventive value. They will give the victor a ground of action but will not mitigate the horrors of war.

"We may grant," said Mr. Root in presenting the treaty, "that rules limiting the use of implements of war made between diplo-

mats will be violated in the stress of conflict. We may grant that the most solemn obligation assumed by governments in respect of the use of implements of war will be violated in the stress of conflict, but beyond diplomatists and beyond governments there rests the public opinion of the civilized world, and the public opinion of the world can punish."

#### 5. FAR EAST AND PACIFIC QUESTIONS.

International conferences have occasionally been called to consider general principles or methods for conducting international relationships. Of this character were the Geneva Conferences on the Red Cross (1864, 1906), the St. Petersburg and Brussels Conferences on land warfare (1868, 1872), the Hague Peace Conferences, (1899, 1907) and the London Naval Conference (1909).

Of a somewhat different character are international conferences called to settle particular political problems or controversies. These have usually followed wars as did the Congresses of Westphalia (1648), Utrecht (1715), Vienna (1815), Paris (1856), Berlin (1878), and Versailles (1919). Sometimes, however, they have been called in time of peace to prevent war. Examples may be found in the various African conferences participated in by the European powers and the United States at Berlin (1885), Brussels (1890), and Algeciras (1906). Often, it is true, this type of conference establishes general principles, but its prime object is to settle an immediate political problem.

The Washington Conference combined both types. The five power negotiations on limitation of armament were of the first, the nine power negotiations on Far East and Pacific Questions were of the second type. The latter was concerned primarily with China, but Pacific Islands and Siberia were also on the agenda.

The absence of Russia from the conference precluded action on the latter beyond a resolution taking cognizance of the Japanese declaration of intention eventually to withdraw its troops from Siberia and northern Saghalien. No time was stated.

On Pacific Islands the fortification status quo provision of the naval limitation treaty has been referred to. More important is the four-power pact by which the United States, Great Britain, France and Japan "agree as between themselves, to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean" and "if the said rights

are threatened by the aggressive action of any other power" to "communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." A subsequently adopted resolution excludes the Japanese home islands from the treaty. Attached resolutions exclude domestic questions from the controversies which may be a subject of discussion under article 1, and reserve the privilege to the United States to negotiate with reference to mandated islands which are declared within the scope of the treaty. The agreement is to continue for ten years and more unless denounced with a year's notice. Its dual object, from the American standpoint, of superseding the Anglo-Japanese alliance and protecting the Philippines seems to have been achieved, the first expressly. The treaty is between only four powers and is confined to insular possessions and dominions in the Pacific but in other respects it seems to bear a close resemblance to article X of the League of Nations Covenant by which

"The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled."

Mr. Lodge, however, in presenting the four power pact to the Conference on December 10 distinguished it from this article, and in offering the treaties to the Senate on February 10, President Harding said:

"There is no commitment to armed force, no alliance, no written or moral obligation to join in defense, no expressed or implied commitment to arrive at any agreement except in accordance with our constitutional methods. It is easy to believe, however, that such a conference of the four powers is a moral warning that an aggressive nation, giving affront to the four great powers ready to focus world opinion on a given controversy, would be embarking on a hazardous enterprise."

This statement, however, leaves some doubt as to the President's interpretation of the pact. If the clauses of the first sentence are separable and the parties are under "no written or moral obligation to join in defense" it is difficult to see why an aggressive enterprise would be any more "hazardous" with the treaty than without it. If on the other hand, the final qualification applies to all the preceding clauses, the president seems to

imply that there is a "commitment to armed force" provided "our constitutional methods" are followed.<sup>6</sup>

Closely connected with this treaty are the negotiations over the island of Yap, between the United States and Japan, conducted independently of, but concurrently with, the conference. These began in the summer of 1921 and resulted in a treaty signed February 11, 1922. By this treaty the United States recognizes the Japanese mandate in Yap under the League of Nations and Japan agrees to accord the United States full rights in all that relates to cables on the island. The United States, Great Britain, France, Italy, Japan and the Netherlands have also practically concluded a negotiation dividing the former German Pacific cables between the United States, Japan and the Netherlands.

Since the first opium war and the treaty of Nanking (1842) Chinese sovereignty has suffered progressive impairments. These impairments extended to customs autonomy and jurisdiction over resident aliens before the Chino-Japanese war of 1895. Soon after the European acquisitions of leaseholds and spheres of interest jeopardized Chinese territorial and administrative integrity while the privileges of the favored powers in these spheres threatened to deprive other powers, most notably the United States, of all share in the economic development of China. Finally the Japanese policy which began to develop in Manchuria after the Russo-Japanese war of 1905, seriously menaced the political independence of China. This policy culminated in the 21 demands, the treaty of May, 1915, based thereon, whereby China agreed to recognize any Japanese settlement with Germany, and the treaty of Versailles transferring former German rights to Japan. It should be noted, however, that Japan had declared an intention to return some of these rights to China as soon as the Chinese government, divided and insecure since the revolution of 1911, gave signs of stability. The Hay open door notes of 1899 and 1900, the Root-Takahira agreement of 1908 and the Lansing-Ishii agreement of 1917, though all affirming the territorial integrity, the administrative entity of China and the open door had been of little material assistance to that power, while the last, by recognizing that "territorial propinquity" creates special interests actually strengthened Japan's position.

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<sup>6</sup>Although the latter interpretation is more in accordance with the language of the pact and of the President's statement, the former is in accord with his language earlier in the message. "The four-power treaty contains no war commitment"



The Washington treaties with their appended resolutions go immeasurably beyond earlier agreements. The tariff treaty does not restore Chinese tariff autonomy but does provide for periodic revisions to assure China 5 per cent on imports, in exchange for which China agrees to abolish like or domestic sales taxes, and to fulfill existing treaties with respect to taxation.

The more important Chinese treaty begins by reiteration of general principles in respect to China formulated by Mr. Root and resembling the Hay statements. The powers other than China agree:

"1. To respect the sovereignty, the independence, and the territorial and administrative integrity of China.

"2. To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

"3. To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations through the territory of China.

"4. To refrain from taking advantages of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly states, and from countenancing action inimical to the security of such states."

The powers agree to refrain from making treaties, agreements, arrangements or understandings "either with one another or individually or collectively with any other power or powers which would infringe or impair" these principles. A more substantial guarantee is given to the last two principles through the creation of an international board of reference in China to investigate and report whether future concessions in China are in accord with the open door. The original proposal to give the board authority to consider past as well as future concessions failed of acceptance, though a resolution provided that past concessions be published. China herself agrees not to permit unfair discrimination in economic matters, particularly railways.

Various agreements, resolutions, and declarations connected with the treaty aim to give concrete application to the first two of the Root principles. Some of the resolutions are considered within the scope of executive agreements and so will not be submitted to the Senate for ratification. The Shantung treaty between China and Japan greatly assists toward restoring the territorial integrity of China. Japan agrees to restore the leased

port of Kiau Chau and to sell back the Tsing-Tao-Tsinanfu railway for Chinese Treasury notes redeemable in fifteen years or at Chinese option in five years. Japan is to have a traffic manager and chief accountant under a Chinese managing director until payment is complete. Following announcement of this treaty Mr. Balfour declared the British willingness to restore her leased port of Wei-Hai-Wei to China. France indicated a willingness to negotiate for the restoration of Kwang-chow. If these negotiations are successful the Japanese lease of Port Arthur and part of the Liaotung Peninsula and the British lease of Kow-Loon near Hong Kong would alone remain. China declared her intention to make no more leases. Aside from the two leases, the British island of Hong Kong, the Portuguese port of Macao and the Japanese island of Formosa and privileges in Manchuria remain as substractions from the territorial integrity of China as she existed before contact with Europe.

The administrative integrity of China gained through resolutions providing for withdrawal of foreign postoffices by January, 1923, and of unauthorized foreign radio stations; for a commission to report on the practicability of removing extraterritorial jurisdiction, and for a consultation looking toward the removal of foreign troops in China. In the Shantung treaty Japan agreed to withdraw troops from that area and the powers requested China to reduce her military forces. Japan also declared her willingness to abandon group five of the twenty-one demands of 1915 which China had never accepted.

Though China has by no means regained full territorial and administrative integrity, yet substantial steps in this direction have been taken. The United States will have less cause to worry about the Philippines, agreement has been reached on the vexing problems of Yap and the Pacific cables, and the Anglo-Japanese alliance has been superseded. Made in 1902 against Russia, renewed in 1905 and 1911 against Germany it seemed to have no objective unless the United States in 1921. Yet to denounce it after the loyal observance of Japan during the World War would hardly comport with British honor. The addition of France and the United States seemed the easiest way out and this was achieved by the four power pact.

#### 6. ASSOCIATION OF NATIONS.

The problem of an association of nations though not on the

agenda, lay in the background of the conference. An international conference is certain to end with its purposes only partly achieved and so seeks to perpetuate itself. Thus in his instructions to the American delegates at the second Hague Conference, Mr. Root, then Secretary of State, wrote:

"After reasonable discussion, if no agreement is reached, it is better to lay the subject aside, or refer it to some future conference in the hope that intermediate consideration may dispose of the objections. . . . The immediate results of such a conference must always be limited to a small part of the field which the more sanguine have hoped to see covered, but each successive conference will make the positions reached in the preceding conference its point of departure, and will bring to the consideration of further advances toward international agreement opinions affected by the acceptance and application of the previous agreements. Each conference will inevitably make further progress, and, by successive steps, results may be accomplished which have formerly appeared impossible."

Consequently he suggested further conferences and a recommendation to this effect was adopted.

However, the problem of an association of nations was emphasized in the Washington Conference because of the struggle in the United States over the League of Nations. President Harding and Senator Lodge had voted for the league with reservations while Senator Underwood had voted for it without reservations. Secretary Hughes and Mr. Root had openly favored the league in public speeches and had signed a letter on October 14, 1920, with twenty-nine other prominent republicans urging the election of President Harding as the shortest route to American entry into the league. The republican platform subsequently adopted contained a clause drafted by Mr. Root favoring an association of nations, but without assuming a definite position on the league. In an address before the American Society of International Law on April 27, 1921, Mr. Root had explained this as capable of fulfillment by American entry into the league.

"It is apparent" he said, after quoting the Republican platform article, "that the attitude of the league and the attitude of America toward this subject do not differ in substance, however much they may differ as to the specific modes of effectuating the common purpose. . . ."

"There remain the hindrances of differing forms and methods favored by the nations within and the nations without the existing league. But the idea that by agreeing at this time to a formula the nations can forever after be united in preventing war by mak-

ing war seems practically to have been abandoned; and the remaining differences are not of substance and ought not to prevent the general desire of the civilized world from giving permanent form to institutions to prevent further war. In the long run, from the standpoint of the international lawyer, it does not much matter whether the substance of such institutions is reached by amending an existing agreement or by making a new agreement."

President Harding, however, interpreted the republican platform otherwise and in his message of April 12, 1921, held his election to the presidency to be a rejection of the league by the United States. But in making this statement he referred to

"the American aspiration" for "an association of nations based upon the application of justice and right, binding us in conference and cooperation for the prevention of war and pointing the way to a higher civilization and international fraternity in which all the world might share. In the national referendum to which I have adverted, we pledged our efforts towards such an association, and the pledge will be faithfully kept."

All of the powers in the Washington Conference except the United States were members of the league and most of the delegates, including Messrs. Balfour, Viviani, Schanzer, Koo, and Karnebeek had taken a prominent part in its work, notably in the discussions of armament limitation at the second assembly of the league, which ended a few weeks before the Washington Conference met. Nothing, however, was said about the league in the conference deliberations, though the United States recognized that organization through recognition of the Japanese mandates under it in the Yap treaty negotiated at the same time.

On November 25, President Harding suggested to a group of newspaper men that the limitation of armament conference might well furnish a precedent for future conferences, thus creating a loose association of nations and in his concluding address on February 6, he said:

"Since this conference of nations has pointed with unanimity to the way of peace today, like conferences in the future, under appropriate conditions and with aims both well conceived and definite, may illumine the highways and byways of human activity. The torches of understanding have been lighted, and they ought to glow and encircle the globe."

Though no association is formally referred to in the treaties, numerous clauses authorize the calling of future conferences or the establishment of commissions. The functions of these bodies vary from political and administrative to quasi-judicial, in char-

acter. Thus the United States is to arrange for a conference in eight years to revise the naval limitation agreement. Other powers may call such a conference in emergency and one must be called after a war which has suspended a treaty. A conference to revise the rules of war is authorized, as is one to revise the Chinese customs tariff. A commission is appointed to consider the question of extritoriality in China and by the four-power pact the powers agree to meet in joint conference if a question arises over Pacific possessions. Finally a board of reference to consider questions under the open door agreement is provided for.

These provisions for future conference are not in any sense a substitute for the League of Nations with its permanent secretariat, periodical council and assembly, administrative commissions and permanent court of international justice. The experience of Washington has undoubtedly convinced European statesmen of the utility of the league and of its permanence, whether or not the United States elects to enter it. The league has greeted the efforts at Washington as helpful cooperation in its own work, but sees no association of nations which could possibly become a rival.

"The American people," writes Mr. Frank H. Simonds, "will have to make up their minds to the fact that in spite of the Washington Conference, or on account of it, the European nations which have been represented here and the European nations which were not represented have not been shaken in their adherence to the Geneva organization and that the French, the Dutch, and not impossibly even the English, have seen in the circumstances of the Washington Conference reasons for having increased, rather than diminished, respect and faith in and for the League of Nations."

Thus the Washington Conference has brought both the United States and Europe to an increased understanding of the value and necessity of international organization. It has begun to liquidate the political bankruptcy into which the world was plunged in 1920, through the exigencies of American party politics. In his eulogy of the unknown soldier on armistice day President Harding had a vision of a united world:

"His patriotism was none less if he craved more than triumph of country; rather it was greater if he hoped for a victory for all human kind."

The method of achievement he tried to express in his address terminating the conference:

"I once believed in armed preparedness. I advocated it. But I have come now to believe there is better preparedness in a public mind and a world opinion made ready to grant justice precisely as it exacts it. And justice is better served in conferences of people than in conflicts of arms."